

CHAPTER 3 ADMINISTRATION

ARTICLE 3-1 OFFICERS IN GENERAL

3-1-1	Officers
3-1-2	Additional Officers
3-1-3	Bond
3-1-4	Vacancies; Holding More Than One Office
3-1-5	Additional Powers and Duties

Section 3-1-1 Officers

There are hereby created the offices of city manager, city clerk, director of finance, chief of police, city engineer, city attorney and city magistrate who shall be appointed by the council and who shall serve at the pleasure of the council, with the exception of the city magistrate who shall serve a term of two years.

Section 3-1-2 Additional Officers

The council may appoint and remove from time to time such other officers as it may deem necessary and that are not provided for in this code or state statute.

Section 3-1-3 Bond

The council may require each officer of the city to give bond for the due discharge of his duties in such sums and with such security as it may direct and approve as determined by resolution. The city shall pay the costs of such bond.

Section 3-1-4 Vacancies; Holding More Than One Office

Any vacancy that shall occur in any city office shall be filled by appointment by the council, provided that one person may hold more than one office and that at the discretion of the council, the functions of a city official may be validly performed and discharged by a deputy or another city official, or an otherwise qualified individual not holding office but employed at the pleasure of the council.

Section 3-1-5 Additional Powers and Duties

In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the council through ordinance, resolution or order.

ADMINISTRATION

ARTICLE 3-2 OFFICERS

3-2-1	City Manager
3-2-2	City Clerk
3-2-3	Police Chief
3-2-4	City Engineer
3-2-5	City Attorney
3-2-6	Director of Finance
3-2-7	City Magistrate

Section 3-2-1 City Manager

- A. **Office Created.** The office of the city manager is hereby created and established. The city manager shall be appointed by the council on the basis of his administrative and executive ability and qualifications and shall hold office for and at the pleasure of the council, subject to any agreements on employment entered into between the city and the city manager.
- B. **Eligibility.** No member of the council shall be eligible for appointment as city manager until one year has elapsed after such council member shall have ceased to be a member of the council.
- C. **Bond.** The city manager shall furnish a corporate surety bond to be approved by the council in such sum as may be determined by the council, and shall be conditioned upon the faithful performance of the duties imposed upon the manager as herein prescribed. Any premium for such bond shall be a proper charge against the city.
- D. **Acting City Manager.**
1. In the event of the absence or disability of the city manager, the powers and duties of that office shall devolve upon the assistant city manager or such person as the city manager shall designate.
 2. In the event of a vacancy in the office of city manager such as that created by termination, resignation or death, the council may assign the powers and duties of the office of city manager to another person until such time that the manager shall be replaced. If such circumstances occur, the council shall be obligated to seek a permanent replacement for the city manager.
- E. **Compensation.** The city manager shall receive such compensation as the council shall from time to time determine, and said compensation shall be a proper charge against such funds of the city as the council shall designate. The city manager shall be reimbursed for all sums necessarily incurred or paid in the performance of duties, or incurred when traveling on business pertaining to the city as approved by the council; reimbursement shall be made only when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented and approved by the council.
- F. **Removal Procedure.** The city manager may be removed from office for cause by the affirmative vote of four (4) members of the council at a regular or special council meeting. The City Manager may also be removed, without statement of cause, at the pleasure of the council upon the affirmative vote of five (5) members of the council at a regular or special council meeting.

ADMINISTRATION

- G. **Resignation of the City Manager.** The city manager shall provide the council with thirty days written notice of his intention to resign his position. The city manager shall assist the council in the recruitment and selection of a replacement, if requested by the council. In the event of resignation due to health reasons, the period of written notice shall be determined in conference between the city manager and the council.
- H. **Powers and Duties.** The city manager shall be the administrative head of the government of the city under the direction and control of the council. The city manager shall be responsible for the administration of all affairs of the city which are under his control. In addition to the city manager's general powers as administrative head, it shall be his duty and he shall have the following additional powers and duties:
1. See that all laws and ordinances of the city, and that all franchises, contracts, permits and privileges granted by the council are faithfully observed and to report any failure in that regard to the council, which shall give such instruction and direction as it may desire for remedial, corrective or terminating action by the manager.
 2. To appoint, remove, promote and demote any and all officers and employees of the city, except the city magistrate, city clerk, chief of police, city engineer, city attorney and members of the boards, commissions and committees, all of whom shall be appointed by the council. As to these officials, the city manager may recommend appointment and removal. All department heads shall be appointed subject to ratification by the council. All such actions of the city manager shall be subject to all applicable personnel ordinances, rules and regulations and statutes of the State of Arizona and shall be based on merit and upon the qualifications and disqualifications of such an employee without regard to any political belief or affiliation.
 3. To coordinate the administrative functions and operation of the various departments, boards, divisions and services of the city government, and on its behalf to carry out policies, rules, regulations and ordinances adopted by it, relating to the administration of the affairs of such departments, boards, divisions or services. Such powers and duties to be subject to the following provisions:
 - a. That the organizational structure under which municipal services are performed shall be specified in an organization chart approved by the council.
 - b. That prior to any creation, combination, consolidation or deletion of any positions of employment, written job descriptions or amendments thereto shall have been approved by the council.
 4. To prepare and submit to the council a proposed annual budget for the next fiscal year and a financial plan for the subsequent fiscal year.
 5. Prepare and submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the city during the preceding year.
 6. Keep the council fully advised as to the needs of the city in such form and at such times as requested by the council.
 7. To see that no indebtedness is incurred or expenditure made in violation of the Arizona Constitution, the State budget law and Arizona Revised Statutes Section 42-17106(A) in particular.

ADMINISTRATION

8. Recommend to the council a standard schedule of pay for each appointive office and position in the city service. Authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformance with wages and salaries enacted by the council.
9. Recommend to the council for adoption, such measures and ordinances as he deems necessary.
10. Attend all meetings of the council unless excused therefrom and take part in the discussion of all matters coming before the council. He shall be entitled to notice of all regular and special meetings of the council. He shall present definite recommendations relative to each item on the agenda for approval, rejection or modification by the council.
11. Oversee the purchase of all materials, supplies and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of city services. Receive sealed bids for purchases or contracts and present them to the council for approval, and advise the council on the advantages or disadvantages of contract and bid proposals. The city manager may issue such rules governing purchasing procedures within the administrative organization provided that they are consistent with the provisions of the code and state law.
12. In case of accident, disaster or other circumstances creating a public emergency, the city manager may award contracts and make purchases for the purpose of meeting said emergency; but he shall file promptly with the council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.
13. Investigate the affairs of the city and any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the city government and in regard to service maintained by the public utilities in the city.
14. To exercise general oversight over all public buildings, public parks and other public property which are under the control and jurisdiction of the council.
15. To perform such other duties and exercise such other powers as may be delegated from time to time by ordinance or resolution of the council.

I. Internal Relations

1. **Council-Manager Relations.** The council and its members shall deal with the administrative services of the city only through the city manager or his designee, except for the purpose of inquiry, and neither the council nor any member thereof, shall give orders or instructions to any employee or officer other than the city manager. The city manager shall take his orders and instructions from the council, only when promulgated at a duly convened meeting of the council, and no individual councilman shall give any orders or instructions to the city manager except for purpose of inquiry.
2. **Attendance at Commission Meetings.** The city manager may attend any and all meetings of all commissions, boards or committees created by the council, upon his

ADMINISTRATION

own volition or upon direction of the council. At such meetings which the city manager attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall inform said members as to the status of any matter being considered by the council, and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the council.

- J. **Agreements on Employment.** Nothing in this article shall be construed as a limitation on the power or authority of the council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this article or of State Statutes.

Section 3-2-2 City Clerk

- A. **Bond.** Before entering upon the duties of the office, the city clerk shall execute a bond in such amount as is provided by statute, conditioned upon the faithful performance of his duties. Any premium for such bond shall be a proper charge against the city.
- B. **Records.** The city clerk shall keep a true and correct record of all business transacted by the council and any other records that either pertain to the business of the city or that the council directs. The clerk shall number, plainly label and file separately in a suitable cabinet and/or a digitized format all resolutions, ordinances, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature.
- C. **Public Inspection of Records.** The clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by state statute.
- D. **Minutes.** The clerk shall prepare or cause to be prepared all minutes of council proceedings and ensure their correctness and accuracy.
- E. **Ordinances, Resolutions, Budgets and Notices.** The clerk shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the council.
- F. **Election Official.** The clerk shall be the city election official and perform those duties required by state statute.
- G. **Licenses.** The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.
- H. **Seal.** The clerk shall be the custodian of the city seal and shall affix its impression on documents whenever this is required.
- I. **Additional Duties.** In addition to the duties herein provided, the clerk shall perform such other duties and functions as may be conferred upon the clerk by the council and as may be required by statute or ordinance.

ADMINISTRATION

Section 3-2-3 Police Chief

The chief of police shall perform duties as may be required of him by law, the city manager and as the council may deem necessary.

Section 3-2-4 City Engineer

The engineer shall have charge of the city streets, sewers and waterworks and shall perform such duties as may be required of him by law and such other duties as the council may deem necessary.

Section 3-2-5 City Attorney

The city attorney shall act as the legal counselor and advisor of the council and other officials and, as such, shall give his opinion in writing when requested. He shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the council. He shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the council. He shall return, within ten days, all ordinances and resolutions submitted to him for consideration by the council, with his approval or disapproval as to form noted thereon, together with his reasons therefor. He shall prosecute and defend all suits, actions or causes where the city is a party, and shall report to the council, when required, the condition of any suit or action to which the city is a party.

Section 3-2-6 Director of Finance

The office of director of finance is created and established. The director of finance shall be appointed by the city manager. The director of finance shall be the chief accounting officer of the city and shall be the head of the finance department of the city and shall have the power and is required to do the following:

- (a) Administration of Financial Affairs. He shall have charge of the administration of financial affairs of the city under the direction of the city manager;
- (b) Budget. He shall compile the budget expense and income estimates for the city manager;
- (c) Accounting System. He shall maintain a general accounting system for the city government and of each of the offices, departments and agencies;
- (d) Disbursements. He shall supervise and be responsible for the disbursements of all monies and have control of all expenditures, audits and approve before payment of all bills, invoices, payrolls, demands or other charges against the city government and with the advice of the city attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges to ensure that budget appropriations are not exceeded;
- (e) Other Functions. He shall perform such other functions and have such other responsibilities as the city manager may from time to time specify or such other functions and responsibilities as may be prescribed from time to time, by action of the city council; and

ADMINISTRATION

- (f) Duties as Treasurer. The director of finance shall hold the office of treasurer and receive and safely keep all monies that come to the city and pay out the same and when authorized by the council or the city's ordinances and resolutions.

Section 3-2-7 City Magistrate

The city magistrate shall be the presiding officer of the magistrate's court and shall be selected by the council and shall perform those functions necessary to the maintenance of the magistrate's court as provided by state statute.

ARTICLE 3-3 PERSONNEL SYSTEM

- 3-3-1 Creation and Scope
- 3-3-2 Conditions of Employment
- 3-3-3 Rules and Regulations
- 3-3-4 Political Contributions

Section 3-3-1 Creation and Scope

The council shall adopt a merit system for the employees of the city, the provisions of which shall apply to all employees of the city except elected officials, officers of the city appointed by the council, department heads, persons engaged under contract to supply expert, professional or technical services, temporary employees and volunteer personnel who receive no regular compensation from the city.

Section 3-3-2 Conditions of Employment

The appointment, promotion and tenure of every employee shall be based upon the merit and fitness and the satisfactory performance of the duties and responsibilities assigned. No employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex, political affiliation or handicapped status.

Section 3-3-3 Rules and Regulations

The council may adopt by resolution rules and regulations to give effect to this article, which may be modified or changed from time to time, but such rules and regulations shall follow the generally accepted principles of good personnel administration.

Section 3-3-4 Political Contributions

No officer, official or employee of the city shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.

ADMINISTRATION

ARTICLE 3-4 PURCHASING

3-4-1	Scope of Article
3-4-2	Council Approval; When Required
3-4-3	Purchasing Director; Duties
3-4-4	In General; Bids
3-4-5	Exclusive Service
3-4-6	Bidding
3-4-7	Determination of Lowest Responsible Bidder
3-4-8	Performance Bond
3-4-9	Emergency Purchases
3-4-10	Forms
3-4-11	Professional and Technical Services
3-4-12	Local Preference
3-4-13	Purchase Orders
3-4-14	Cooperative Purchasing

Section 3-4-1 Scope of Article

This article shall govern the purchase of any goods or services for or on behalf of the city.

Section 3-4-2 Council Approval; When Required

No purchases shall be made by or on behalf of the city without first obtaining council approval in the following instances:

- A. Where prior approval is required by this code;
- B. Where the purchase of the item is not provided in the budget as adopted;
- C. Where the funds for the purchase are not provided in the budget as adopted;
- D. For the expenditure of funds in an amount in excess of ten thousand dollars.

Section 3-4-3 Purchasing Director; Duties

- A. The city manager shall serve as the purchasing director and shall have direction of all purchases of goods and services made by or on behalf of the city. The purchasing director may delegate these administrative functions to the director of finance.
- B. The purchasing director shall approve or deny all purchase requests and shall report to the council on any purchase requiring council approval.
- C. No purchase or contract for services of any kind or description, payment for which is to be made from funds of the city, shall be made by the purchasing director, or any officer, employee or agent of the city, except in the manner set forth in this article, and unless said purchase is in accordance with the adopted city budget.

ADMINISTRATION

Section 3-4-4 In General

- A. Under \$5,000 (Annual Expenditure). Whenever any contemplated purchase or contract for services is for the sum of less than \$5,000, the purchasing director may order the item as needed without further formality.
- B. \$5,000 to \$10,000 Inclusive (Annually). Whenever any contemplated purchase or contract for services is for the sum of at least \$5,000 but not more than \$10,000, the purchasing director shall obtain at least three quotes therefor, if possible. He may solicit quotes or advertise for quotes using the procedure provided in this article. Upon review of the quotes, he shall award the purchase or contract to the lowest responsive bidder, subject to the provisions of section 3-4-12.
- C. In Excess of \$10,000 (Annually). No purchase or contract in an amount in excess of \$10,000 shall be awarded without prior council approval, except for professional and technical services as defined in section 3-4-11. The purchasing director shall present the bids obtained to the council and shall report to them on the need for the goods or service and the advantages or disadvantages of the contract and bid proposals.

Section 3-4-5 Exclusive Service

In the event that there is only one firm or company or individual capable of providing a particular service or commodity and such services or commodities cannot be secured from other persons or companies, the requirement of this article concerning bidding procedures shall not be applicable.

Section 3-4-6 Bidding Procedure

Except as provided in sections 3-4-5, 3-4-11, and 3-4-14, the purchasing director shall follow the procedure set forth in this section for all purchases and contracts subject to the bidding process:

- A. A notice or solicitation for bids shall state the date, time and place of opening, and the place and time period within which bids shall be submitted.
- B. The notice shall state with particularity the goods or services required and shall state the place where specifications may be examined.
- C. Bids shall be submitted in a sealed envelope clearly identified as a bid on the front of the envelope. Any bid not received within the time period allowed shall be rejected.
- D. All bids shall be opened in public at the time and place specified, and a tabulation of all bids received shall be posted in city hall for public inspection.
- E. The purchasing director and the council shall have the right to reject any and all bids and parts of bids and to re-advertise or re-solicit for bids.

ADMINISTRATION

Section 3-4-7 Lowest Responsive Bidder

Unless the council or the purchasing director, as appropriate, shall exercise the right of rejection, all goods and services in an amount in excess of \$10,000 shall be awarded to the lowest responsive bidder, except as provided in section 3-4-8. In determining the lowest responsive bidder, the council or the purchasing director shall consider:

- A. The ability, capacity and skill of the bidder to perform the contract or provide the service required in a timely manner.
- B. The quality of performance in previous contracts with the city together with previous and existing compliance with the ordinances of the city.
- C. The financial resources and ability of the bidder.
- D. The quality, availability and adaptability of the goods or service.
- E. Qualities and/or characteristics that the city deems highly desirable which is (i) not offered by another lower bidder and (ii) will result in advantages not previously realized and, therefore, not called out in the bid specification form.

Section 3-4-8 Performance Bond

The purchasing director shall have the authority to require a performance bond, in cash or otherwise, for such amount as the purchasing director may deem sufficient to secure the execution of the contract for the best interest of the city.

Section 3-4-9 Emergency Purchases

In case of an emergency which requires immediate purchases of supplies or services and when time is of the essence, the mayor shall be empowered to authorize the purchasing agent to purchase or secure services without complying with the procedures of this article. A full report of the circumstances of such emergency and the goods obtained shall be made to the council at its next regular meeting.

Section 3-4-10 Forms

The purchasing director shall prescribe and maintain such forms as may be necessary for the proper administration of this article, including but not limited to the following:

- A. Bid Specification Form. The bid specification form shall state the specifications for the goods or service required and shall be available for inspection by prospective bidders as of the first publication of the notice of bid.
- B. Notice to Bidders. The notice to bidders shall set forth the goods or services sought, the day, time and place when bids will be opened, the dates and times within which bids will be received, when specifications may be reviewed and where available and such other information as may be required to secure the most advantageous bids.

ADMINISTRATION

Section 3-4-11 Professional and Technical Services

- A. The provisions of this article shall not apply to professional or technical services, but the purchasing director shall determine the scope of the services required and may, at his option, require the submission of proposals prior to engaging such services.
- B. No person or firm practicing in a professional or technical field for which a license is required by state law shall be engaged by the city unless possessing a current license in good standing.
- C. Upon engagement the city shall enter into a written agreement or memorandum of understanding for the performance of the services for which engaged, setting forth the scope of services and the unit or total price therefor.

Section 3-4-12 Local Preference

In awarding contracts for supplies, equipment and contractual services of an estimated value in the amount of less than \$10,000, the contract shall be awarded to bidders who have both a place of business located within the municipal limits of the city and a business license from the city for a period of not less than twelve months prior to date of award of contract in preference to a competing bidder whenever the bid of the competing bidder, with equal quality and suitability considered, is less than five percent lower. This preference shall not be used where state law or any applicable federal statute or regulation forbids the granting of such preference, or requires another method for competitive bidding. This section shall not apply to contracts for professional services pursuant to this article, nor to purchases made pursuant to section 3-4-14 of this article.

Section 3-4-13 Purchase Orders

- A. In General. The purchasing director shall provide forms of purchase order which shall be used for the purchase of all goods and services for or on behalf of the city.
- B. Open Purchase Orders. Open purchase orders may be provided by the purchasing director for the routine purchase of regularly supplied items costing not more than fifty dollars per unit. An open purchase order shall be limited to a single source and shall not be valid for more than \$5,000 in the aggregate. All open purchase orders shall expire at the end of the fiscal year of issuance and the expiration date shall be plainly stated on the face thereof.

Section 3-4-14 Cooperative Purchasing

This article shall not apply to purchases made by, through or with the State of Arizona or its political subdivisions. The city may make purchases or award contracts for services without a formal bidding process whenever other governmental units have done so for the same item or service if, in the opinion of the purchasing director, a separate bidding process is not likely to result in a lower price for such items or services.

ADMINISTRATION

ARTICLE 3-5 EMERGENCY POWERS AND AUTHORITY

3-5-1	Definitions
3-5-2	Powers
3-5-3	Duties of the Manager
3-5-4	Enforcement
3-5-5	Immunity
3-5-6	Conditions of Enactment

Section 3-5-1 Definitions

In this article, unless the context requires otherwise:

- A. "Emergency Functions" means warning and communications services, relocation of persons from stricken areas, radiological defense, temporary restoration of utilities, plant protection, transportation, welfare, engineering, search, rescue, health, law enforcement, fire fighting and other activities necessary or incidental thereto.
- B. "Emergency Services" means the preplanning necessary to carry out emergency functions, other than functions for which military force of federal agencies are primarily responsible, to prevent or minimize the loss of lives or property caused by disasters of every kind.
- C. "Local Emergency" means the existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of the City of Maricopa, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the city as determined by the council and which require the combined efforts of other political subdivisions.
- D. "State of Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the State caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the State and the political subdivision.
- E. "State of War Emergency" means the condition which exists immediately whenever this nation is attacked or upon receipt by the State of Arizona of a warning from the federal government indicating that such an attack is imminent.
- F. "Private Sector" means all industry, commerce, business or banking; all services other than those provided by the government; and all persons other than those in governmental agencies at any level.

Section 3-5-2 Powers

- A. The council, pursuant to the provisions of Arizona Revised Statutes Section 26-307, has the power to make, amend and rescind orders, rules and regulations necessary for emergency functions and regulations, but such shall not be inconsistent with orders, rules

ADMINISTRATION

and regulations promulgated by the governor of this State. Such orders, rules or regulations shall be effective when a copy is filed in the office of the clerk. Existing resolutions, rules and regulations in conflict with Arizona Revised Statutes Sections 26-301, et. seq. and hereafter amended, are suspended during the time of emergency and to the extent that they may conflict.

- B. Pursuant to Arizona Revised Statutes Section 26-307(C) as amended, a state of war emergency, the council may waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when the council determines and declares that strict compliance with such procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency.
- C. In the absence of specific authority in State emergency plans and programs, the council will take emergency measures as deemed necessary to carry out the provisions of Arizona Revised Statutes Section 26-301 et. seq., and as hereafter amended.
- D. This article constitutes authority, pursuant to the provisions of Arizona Revised Statutes Section 26-311, for the mayor to declare an emergency and, during such emergency, to govern by proclamation and to impose all necessary regulations to preserve the peace and order of the city including, but not limited, to:
 - 1. Imposition of curfews in all or portions of the city.
 - 2. Ordering the closing of any business.
 - 3. Closing to public any public building, street or other public place.
 - 4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the County of Pinal for assistance.

In periods of local emergency, including an emergency declared by the mayor pursuant to Arizona Revised Statutes Section 26-311(A), the city has full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor.

Section 3-5-3 Duties of the Manager

- A. The manager, subject to the direction and control of the council, shall be responsible for the organization, administration and operation of the City of Maricopa Emergency Services. In accordance with the provision of Arizona Revised Statutes Section 26-312, the manager may, on behalf of the city, accept for purposes of emergency services an offer of the federal government or an agency thereof, or an offer of any person, firm or corporation of services, equipment, supplies, material or funds, whether by gift, grant or loan.
- B. There is hereby granted to the manager the authority:

ADMINISTRATION

1. During non-emergency periods to:
 - a. Coordinate city emergency service plans, procedures, programs and other emergency services activities with federal agencies, the State of Arizona, adjoining county agencies, political subdivisions and municipalities of the State and with the private sector.
 - b. Ensure compliance with the provisions of Arizona Revised Statutes Section 26-301, et. seq.
 - c. Ensure conformance with State emergency plans and procedures.
 - d. Achieve adequate operational readiness, adequacy of training programs and proper utilization of emergency equipment and supplies.
 - e. Make such studies and surveys of the private sector as may be necessary to ascertain the capabilities of the city for emergency services, and to plan for the most efficient use thereof.
 - f. Recommend to the mayor, for delegation to the various departments and agencies of the city, appropriate emergency services responsibilities, and to coordinate the emergency activities of all such departments and agencies.
2. During declared emergencies to:
 - a. Coordinate the emergency activities of all city departments and agencies.
 - b. Coordinate the emergency activities of the city with federal agencies, the State of Arizona, adjoining county agencies, political subdivisions and municipalities of the State and with the private sector to achieve the most effective use of personnel, equipment, services, facilities and other existing available resources.
 - c. Utilize the services, resources and facilities of existing departments and agencies of the city, and when necessary to create new agencies or call upon the private sector to perform emergency tasks and functions unavailable in departments and agencies of the city.

Section 3-5-4 Enforcement

The law enforcement authorities of the city shall enforce all orders, rules and regulations issued pursuant to this article.

Section 3-5-5 Immunity

The city, its officers, agents, employees, volunteers duly enrolled or registered with the city emergency services and unregistered persons placed into service during a state of war emergency are immune from liability as provided in Arizona Revised Statutes Section 26-314.

ADMINISTRATION

Section 3-5-6 Conditions of Enactment

The emergency plan, as adopted by the council, will be the immediate basis for the conduct and coordination of emergency operations in the city under the following disaster conditions:

- A. Upon declaration of a state of war by the President of the United States;
- B. When the governor of the State of Arizona has proclaimed a state of emergency in an area including this city; or
- C. Upon the order of the mayor or his authorized representative, provided that the existence or threatened existence of a local emergency has been duly proclaimed in accordance with the provisions of the emergency services of this city.